



## ***Local Fiscal Highlights***

<b>LOCAL GOVERNMENT</b>	<b>FY 1998*</b>	<b>FY 1999</b>	<b>FUTURE YEARS</b>
<b>Counties and Municipalities</b>			
Revenues	- 0 -	Potential negligible gain	Potential negligible gain
Expenditures	- 0 -	Potential negligible increase	Potential negligible increase

\* LBO assumes any fiscal effects to take place beginning in FY 1999

- Counties and municipalities could receive a small amount of court cost and fine revenue. Expenditures for prosecutions, if any, should be insignificant.
- Appeals of adjudications by the State Medical Board are heard by the Franklin County Court of Common Pleas.
- Increases the penalty for practicing medicine, osteopathy, or podiatry without a license. Currently, a first offense is a first degree misdemeanor and subsequent offenses are fifth degree felonies. Under the bill, a first offense would be a fifth degree felony and subsequent offenses would be fourth degree felonies.

## ***Detailed Fiscal Analysis***

Overall, the changes to chapters 4730. and 4731. of the Revised Code ease many bureaucratic constraints facing the licensing aspects of the medical profession. Most of the modifications as a result of this bill should have little, if any, fiscal effect. The following, however, outlines those provisions having a potential impact.

### ***Continuing Medical Education Requirements***

One requirement for a practitioner to renew his or her license is the completion of the proper number of continuing medical education (CME) credit hours. This bill allows the State Medical Board (MED) to fine individuals who did not complete the requisite CME. Pursuant to an adjudication under Chapter 119. of the Revised Code, MED can levy a civil penalty of not more than \$5,000.

According to a representative of the Medical Board, during the last biennium, there were 22 actions taken for violating the CME requirement. Although the Board may levy a fine of up to \$5,000, it is unknown how much revenue might be collected through civil penalties. LBO estimates that during a biennium, MED could potentially collect upwards of \$100,000.

### ***Mandatory Training Certificates***

Currently, an individual pursuing an internship, residency, or clinical fellowship in the state of Ohio receives a training certificate issued by the Medical Board. The fee for the training certificate, valid for one year only, is \$35. This certificate can be renewed for \$35 for up to five years.

This bill increases the initial application fee to \$75. The renewal fee for the certificate remains \$35. According to the Board, there are approximately 3,000 certificate holders per year. This figure is expected to increase to almost 5,000 based upon the number of available slots in teaching hospitals. This could raise additional revenue of \$220,000 to \$370,000 per year. This activity would produce minimal increase in Board costs due to the potential addition of criminal background checks and possible disciplinary activity.

***License Suspensions for Non-Renewal***

In sections 4730.12 and 4731.281, the penalty for renewal of a license that had been suspended due to non-renewal is changed. Under the existing system, a licensee would be required to pay the current renewal fee, a penalty of \$25, plus all delinquent registration fees. For example, if a person's license had been suspended for 20 years, that individual would be required to pay the back fees for the 10 missed biennial renewals.

Under this bill, the applicant would still be required to pay the current biennial renewal fee. The penalty, however, no longer is tied to the specific length of the suspension. Instead, a license suspended for two years or less, the monetary penalty will be \$50. If the license was suspended for more than two years, the penalty shall be \$200. The Medical Board estimates that it will lose a small amount of revenue as a result of this change in the law.

***English Competency***

Modifications to the English language competency requirements will produce minimal cost savings for the Medical Board. The bill requires an applicant to obtain a score of forty or higher on the test of spoken English conducted by the Educational Testing Service. Under existing law, an applicant scoring between 40 and 50 must appear before the Board to demonstrate English language competency. The changes in the bill will save Board-member time. According to MED, 5 or 6 people are tested every couple of months.

***Practicing Medicine Without a License***

Section 4731.99 of the bill modifies the penalty for violation of sections 4731.41, 4731.43, or 4731.60 of the Revised Code. These three sections prohibit the practice of medicine, osteopathy, or podiatry without a license issued by the State Medical Board. Under current law, a first offense is punishable by a first degree misdemeanor. Each subsequent offense is considered a fifth degree felony.

This bill makes a first offense a fifth degree felony. An individual would be guilty of a fourth degree felony for each subsequent offense.

<b>Felonies: Sentencing &amp; Penalties</b>			
Offense Level	Basic Prison Term	Max. Post-Release Control	Maximum Fine
Felony - 1 <sup>st</sup> Degree	3 to 10 Years	5 Years	\$20,000
Felony - 2 <sup>nd</sup> Degree	2 to 8 Years	4 Years	\$15,000
Felony - 3 <sup>rd</sup> Degree	1 to 5 Years	1-3 Years	\$10,000
Felony - 4 <sup>th</sup> Degree	6 to 18 Months	1 Year	\$5,000
Felony - 5 <sup>th</sup> Degree	6 to 12 Months	1 Year	\$2,500

### *State GRF and Reparations Fund*

When an individual is convicted of or pleads guilty to a felony offense, the court generally is required to collect an additional \$11 in court costs and then pay it into the state's GRF. Although never referred to expressly in any of its enactments, the General Assembly intended that these moneys were to be used to assist public defender offices. Additionally, if an individual is convicted of or pleads guilty to a felony offense, the court generally is required to collect an additional \$30 in court costs and then pay it into the Reparations Fund, a.k.a., Victims of Crime Fund. Assuming that there will be few additional criminal cases created as a result of the bill, then the amount of additional revenue generated for the GRF and the Reparations Fund will be extremely small.

### *Local Revenue and Expenditures*

Additional court costs and fine revenue may be generated for counties and municipalities, but as there most likely will be few additional criminal cases created by the bill, the amount of revenue to be generated should be extremely small. Court costs collected in most municipal courts generally must be paid into the treasury of the municipal corporation in which the municipal court is located. However, in the case of county-operated municipal courts, court costs generally must be paid into the county's treasury. Court costs collected in a county court must be paid into the county treasury. On the expenditure side, counties will bear the cost of prosecution in these cases.

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